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June 25, 2007

Via ECF and Hand Delivery

The Honorable Gregory M. Sleet
United States District Court
844 North King Street
Lock Box 19
Wilmington, DE 19801

RE: Talecris Biotherapeutics, Inc. & Bayer Healthcare LLC v. Baxter International, Inc. and Baxter Healthcare Corp., C.A. No. 05-349-GMS

Dear Judge Sleet,

This responds to Mr. Rovner's June 25, 2007 letter to Your Honor regarding Plaintiffs' Trial Exhibit List, an issue which Baxter did not raise with Plaintiffs prior to involving the Court.

Consistent with the discussion at the Pretrial Conference, Plaintiffs provided Baxter with a Revised Trial Exhibit List on June 22, 2007 that eliminated over 285 trial exhibits – an approximately 20% reduction in the number of exhibits, which we believe is a substantial reduction. Your Honor expressed reluctance to hold Plaintiffs to an exact percentage at the Pretrial Conference, directing the parties instead to work it out on our own.

To that end, the parties agreed to exchange witness lists and trial exhibits to be used at trial 48 hours in advance in order to provide ample time for the parties to meet and confer regarding objections. (*See* Ex. 1.) Consequently, both sides will have ample notice of the exhibits each intends to use at trial for each witness. We are therefore surprised by Baxter's request today to have Your Honor intervene and essentially micromanage this aspect of the case. Very plainly, we are cognizant that we have a limited amount of trial time and continue to refine the number of exhibits accordingly.

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Therefore, we respectfully request that the Court deny Baxter's request to order Plaintiffs to arbitrarily reduce the number of exhibits on our Trial Exhibit List, which does nothing more than create unnecessary make work as we prepare for trial.

Respectfully submitted,

/s/ Jaclyn M. Mason

JMM/llw

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cc: Philip A. Rovner, Esquire (via e-filing & e-mail)
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